

REMARKS

I. Introduction

With the cancellation herein without prejudice of claim 44, claims 21, 22, 24 to 30 and 32 to 43 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 41 and 43 Under 35 U.S.C. § 103(a)

Claims 41 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,078,603 ("Cohen") in view of U.S. Patent No. 5,015,184 ("Perry et al."). Applicant respectfully maintains for the reasons previously set forth in Applicant's Amendment and Third Request for Interference submitted October 25, 2004, that the combination of Cohen and Perry et al. does not anticipate these claims.

However, for the purposes of expediting the prosecution of this application, Applicant has amended claim 41 herein without prejudice to depend from claim 21, which is allowed. Therefore, claim 41 is also allowable. In addition, claim 43 ultimately depends from allowed claim 41, and is therefore allowable for the same reason. Claim 44 has been cancelled herein without prejudice.

III. Allowable Subject Matter

Claims 21, 22, 24-30, and 32-40 are allowed. Claims 42 and 44 were objected to as depending from a rejected base claim. In addition, claim 42 depends from claim 41, which as set forth above is deemed to be allowable. In addition, claim 44 has been cancelled herein without prejudice. Therefore, it is respectfully maintained that the objections to claims 42 and 44 have been overcome, and allowance of all of the currently pending claims in this applications is earnestly solicited.

IV. Request For Interference

Applicants respectfully request that, since it is believed that all of the pending claims of the present application are now in condition for allowance, an interference be declared between claims 21, 22, 24 to 30 and 32 to 43 of the present application and claims 1 to 39 of U.S. Patent No. 6,386,199 ("the '199 patent"), for the reasons set forth in Applicant's previously filed "Amendment and Request for Interference" filed in the U.S. Patent and Trademark Office on May 13, 2003 and additionally for the reasons set forth in Applicant's Amendment and Third Request for Interference submitted October 25, 2004.

V. Conclusion

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application, and the declaration of the above-referenced interference proceeding, are therefore earnestly solicited.

VI. Fees

The Commissioner is authorized to charge any necessary fees or credit any overpayments under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: May 5, 2005

By: 

Thomas C. Hughes
Reg. No. 42,674

One Broadway
New York, New York 10004
(212) 425-7200